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HARRISBURG
DEC 11 2001
MARY E. D'ANDREA, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SYDNEY BRADSHAW, :
 :
Plaintiff :
 : CIVIL NO. 1:CV-01-0755
vs. :
 : (Judge Caldwell)
PATRICIA L. SAUERS, M.D., :
et al., :
 :
Defendants :

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Sydney Bradshaw, a prisoner currently confined at Montgomery County Correctional Facility, filed this pro se civil rights complaint against the York County Prison, Patricia L. Sauers, M.D., Medical Director, and EMSA Correctional Care, Inc. who are responsible for providing health care to inmates at that facility. On October 29, 2001, the defendants filed a motion to dismiss the complaint with a supporting brief and exhibits. (Doc. 16). To date, plaintiff Bradshaw has failed to file a brief in opposition to this motion, or requested an extension of time in which to do so. Therefore, we will direct plaintiff Bradshaw to file a brief in opposition.¹ M.D. Pa. Local Rule 7.6.

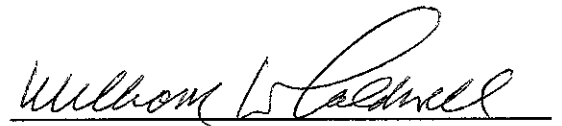
¹ Plaintiff Bradshaw directed the review this Court's Local Rules. Specifically, Rule 7.6 which recites an opposing party's duty to file a brief in opposition to a motion within fifteen (15) days after service of the movant's brief less the motion be granted as unopposed. See M.D. Pa. Local Rule 7.6.

Generally, a dispositive motion may not be granted merely because it is unopposed. However, when a plaintiff fails to prosecute or comply with a court order, the court may dismiss the action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

We will dismiss this case for failure to prosecute and comply with a court order under the authority of Rule 41(b) if plaintiff fails to oppose the motion or otherwise communicate with the court within twenty (20) days of the date of this order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

Plaintiff Bradshaw shall file within twenty (20) days of the date hereof a brief in opposition to defendants' motion to dismiss. If plaintiff fails to file a brief in opposition, we will consider dismissing plaintiff's complaint pursuant to Rule 41(b) for failure to prosecute and comply with a court order.


WILLIAM W. CALDWELL
United States District Judge

Date: December 11, 2001